

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CMPC USA, INC.,

Plaintiff,

v.

GWSI, INC., M. GERACE
ENTERPRISES, INC., KEVIN BURKE, in
his individual capacity, and MICHAEL
GERACE, in his individual capacity,

Defendants,

-and-

GWSI, INC. and M. GERACE
ENTERPRISES, INC.,

Counterclaim Plaintiffs,

v.

CMPC USA, INC., CMPC FOREST
PRODUCTS NA, LLC, AND CMPC
CELULOSA S.A.

Counterclaim Defendants,

Civil Action No. 2:24-cv-02087-MMB

**MOTION OF STRADLEY RONON STEVENS & YOUNG, LLP
TO WITHDRAW AS COUNSEL FOR DEFENDANTS KEVIN BURKE AND MICHAEL
GERACE AND DEFENDANTS/COUNTERCLAIM PLAINTIFFS GWSI, INC. AND M.
GERACE ENTERPRISE, INC.**

Pursuant to Rule 5.1(b) of the Local Rules of Civil Procedure of the United States District Court for the Eastern District of Pennsylvania (“Local Rules”), counsel for Defendants Kevin Burke and Michael Gerace and Defendants/Counterclaim Plaintiffs GWSI, Inc. (“GWSI”) and M. Gerace Enterprise, Inc. (“Gerace Enterprise”) (Kevin Burke, Michael Gerace, GWSI, and Gerace Enterprise are collectively referred to as the “GWSI Parties”), Stradley Ronon Stevens & Young,

LLP and its attorneys Mark D. Villanueva, Robert J. Norcia, Michael J. Wise, and Chelsea Biemiller (collectively, “Stradley Ronon”) move to withdraw as counsel for the GWSI Parties for the reasons set forth below:

1. This litigation commenced in May 2024 when GWSI and Gerace Enterprise filed a Complaint against CMPC USA, Inc. (“CMPC”) in the Delaware County Court of Common Pleas. CMPC also filed a Complaint against the GWSI Parties in this Court and simultaneously sought a preliminary injunction with temporary restraints (*See* ECF 1; 4). CMPC then removed the GWSI Parties’ Complaint to this Court. (*See* No. 2:24-02394, ECF 1).

2. On consent of the parties, this Court consolidated the two separate cases for purposes of pretrial discovery. (ECF 28). Both CMPC and the GWSI Parties moved to dismiss the Complaints asserted against them, filed Amended Complaints as of right pursuant to Federal Rule of Civil Procedure 15(a)(1)(B),¹ and then each moved to dismiss those pleadings again for failure to state a claim. (ECF 34-35; 43-44).

3. On October 30, 2024, CMPC and Forest Products filed a Motion for Sanctions or in the Alternative to Compel Discovery (the “Motion”). (ECF 65). Prior to the GWSI Parties filing an opposition to the allegations raised in the Motion, the Court entered an Order effectively staying the Motion until the GWSI Parties answered CMPC’s Amended Complaint and filed a Compulsory Counterclaim. (ECF 69).

4. The Court’s Order further directed the parties to meet and confer to discuss whether the Compulsory Counterclaim may resolve some or all of the matters complained of in the Motion or if the matters complained of in the Motion can be remedied by taking actions concerning

¹ In their Amended Complaint, GWSI and Gerace Enterprises named CMPC Forest Products NA LLC (“Forest Products”) as an additional defendant.

contested discovery conduct. The Court further directed the parties to submit joint or separate status report within fourteen days after the filing of the Compulsory Counterclaim. (ECF 69).

5. The GWSI Parties filed their Answer and Compulsory Counterclaim on November 15, 2024. (ECF 74).

6. On November 29, 2024, the GWSI Parties filed a status report with the Court. (ECF 80). In the status report, Stradley Ronon advised the Court that it recently became aware of a potential or actual conflict of interest in its representation of the GWSI Parties that requires Stradley Ronon to withdraw as counsel.

7. Stradley Ronon has determined that it can no longer represent the GWSI Parties. Stradley Ronon is legally and ethically bound to maintain the confidentiality of the reason(s) for Stradley Ronon's Motion to Withdraw; however, counsel is willing to discuss the reasons, generally and without violating Rule 1.6 of the Pennsylvania Rules of Professional Conduct and the attorney-client privilege, with this Court *in Camera* if the Court so desires.

8. Kevin Burke, Michael Gerace, GWSI, and Gerace Enterprise each consent to Stradley Ronon's withdrawal as counsel. Kevin Burke, Michael Gerace, GWSI, and Gerace Enterprise expect to retain new counsel within thirty days.

9. Stradley Ronon advised the GWSI Parties of its intention to move to withdraw as counsel on November 29, 2024, and is also serving this motion on the GWSI Parties.

10. On November 29, 2024, Stradley Ronon advised counsel for CMPC and Forest Products about Stradley Ronon's intention to move to withdraw.

WHEREFORE, Stradley Ronon respectfully requests permission to withdraw as counsel for Kevin Burke, Michael Gerace, GWSI, and Gerace Enterprise.

STRADLEY RONON STEVENS & YOUNG, LLP

Respectfully submitted,

/s/ **Mark D. Villanueva**

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*Attorneys for Defendants Kevin Burke and Michael
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GWSI, Inc. and M. Gerace Enterprise Inc.*

Dated: December 2, 2024

CERTIFICATE OF SERVICE

I, Mark D. Villanueva, hereby certify that on December 2, 2024, I caused the foregoing Motion to Withdraw as Counsel to be served upon all counsel of record via the Court's electronic filing system. I further certify that the foregoing Motion to Withdraw was served via electronic mail on Kevin Burke and Michael Gerace.

/s/ Mark Villanueva
Mark Villanueva